




Commission or any person and no information derived in connection with any conciliation attempt by the Commission may be made public by the Commission without the written consent of the respondent and the Commission. 52 U.S.C. § 30109(a)(4)(B). The Commission may proceed to the next step in the enforcement process if you are not interested in pre-probable cause conciliation or a mutually acceptable conciliation agreement cannot be reached within 60 days. See 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if you are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at <http://www.fec.gov/respondent.guide.pdf>.

In the meantime, this matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

We look forward to your response.

On behalf of the Commission,

  
Steven T. Walther  
Chairman

Enclosures  
Factual and Legal Analysis

<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENT:** James W. Best

**MUR:** 7007

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8 **I. INTRODUCTION**

9 This matter was generated based on a Complaint filed by Richard Stubblefield. As set  
10 forth below, the Federal Election Commission ("Commission") finds reason to believe that  
11 James W. Best violated 52 U.S.C. § 30116(a), a provision of the Federal Election Campaign Act  
12 of 1971, as amended, by making an excessive contribution.

13 **II. FACTUAL BACKGROUND**

14 On November 5, 2015, James W. Best made two contributions totaling \$40,000 to Kyle  
15 McCarter for Congress Committee ("Committee"), the principal campaign committee for  
16 McCarter, who sought the Republican nomination in the 15th Congressional District in Illinois in  
17 2016. One contribution was in the amount of \$37,300 designated for the 2016 primary election,  
18 and the other was in the amount of \$2,700 designated for the 2016 general election. On  
19 January 28, 2016, the Committee refunded \$40,000 to Best. The Complaint alleges that West  
20 made an excessive contribution to the Committee with respect to his contribution for the 2016  
21 primary election.

22 Best acknowledges in response to the Complaint that he made an improper contribution  
23 that the Committee refunded.<sup>1</sup>

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<sup>1</sup> James W. Best Resp. at 1 (July 28, 2016).

1    **III.    LEGAL ANALYSIS**

2            For the 2016 election cycle, no person was permitted to make contributions to a candidate  
3    for federal office or his authorized political committee which in the aggregate exceeded \$2,700  
4    for each election.<sup>2</sup>

5            The available record indicates that Best's \$37,300 contribution to the Committee  
6    designated for the 2016 primary election exceeded the applicable contribution limit by \$34,600.  
7    Accordingly, the Commission finds reason to believe that James W. Best violated 52 U.S.C.  
8    § 30116(a).

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<sup>2</sup>        See 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1).